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 7 PS 121, Inc. d/b/a Jess & Jane

8 **UNITED STATES DISTRICT COURT**
 9 **CENTRAL DISTRICT OF CALIFORNIA**

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 11 PS 121, Inc. d/b/a Jess & Jane,
 12 Plaintiff,
 13 v.
 14 Shana Apparel, Inc.; and DOES 1
 15 through 10, inclusive,
 16 Defendants.

Case No. 2:25-cv-5354

PLAINTIFF'S COMPLAINT FOR:

- 1. COPYRIGHT INFRINGEMENT; AND**
- 2. VICARIOUS AND/CONTRIBUTORY
COPYRIGHT INFRINGEMENT**

DEMAND FOR JURY TRIAL

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 18 Plaintiff PS 121, Inc. d/b/a Jess & Jane ("Plaintiff" or "Jess & Jane") brings
 19 this complaint for copyright infringement and alleges as set forth below based on
 20 personal knowledge as to its own acts and information and belief based on the
 21 acts of others.

22 **INTRODUCTION**

23 This is a case for brazen and willful copyright infringement. As shown
 24 below, Defendant Shana Apparel ("Shana") intentionally targeted Jess & Jane by
 25 copying eight fashion designs and infringing on eight Jess & Jane copyrights over
 26 those designs. As such, Jess & Jane brings this complaint to stop Shana from its
 27 unlawful targeting and copying campaign and to obtain redress for Shana's
 28 scheme to profit from Jess & Jane's intellectual property.

COMPLAINT

JURISDICTION AND VENUE

1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101 *et seq.*

2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331 and 1338 (a) and (b).

3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and 1400(a) in that this is the judicial district in which a substantial part of the acts and omissions giving rise to the claims occurred.

PARTIES

4. Plaintiff PS 121, Inc. d/b/a Jess & Jane is a corporation organized and existing under the laws of the State of California with its principal place of business located in Los Angeles, California.

5. Defendant Shana Apparel, Inc. ("Shana"), is a corporation organized and existing under the laws of the state of California with its principal place of business located at 11765 Kismet Rd., San Diego, CA 92128.

6. Defendants DOES 1 through 10, inclusive, are other parties not yet identified who have infringed Jess & Jane's copyrights, have contributed to the infringement of Jess & Jane's copyrights, or have engaged in one or more of the wrongful practices alleged herein.

7. The true names, whether corporate, individual or otherwise, of Defendants 1 through 10 are presently unknown to Jess & Jane, which therefore sues said Defendants by such fictitious names, and will seek leave to amend this Complaint to show their true names and capacities when same have been ascertained.

8. Each Defendant was the agent, affiliate, officer, director, manager, principal, alter-ego, and/or employee of the remaining Defendants and was at all times acting within the scope of such agency, affiliation, alter-ego relationship and/or employment; and actively participated in or subsequently ratified and/or

1 adopted each of the acts or conduct alleged, with full knowledge of all the facts
 2 and circumstances, including, but not limited to, full knowledge of each violation
 3 of Jess & Jane's rights and the damages to Jess & Jane proximately caused thereby.

4 **DESIGN 1 - CLAIMS RELATED TO DESIGN 1809**

5 9. Jess & Jane owns an original two-dimensional artwork used for
 6 purposes of textile printing entitled 1809 / MW333 Lily ("Jess & Jane Design No.
 7 1") which has been registered with the United States Copyright Office.

8 10. Prior to Defendants' infringement, Jess & Jane widely disseminated
 9 fabric, garments and/or samples bearing the Jess & Jane Design No. 1 to numerous
 10 parties in the fashion and apparel industries, including during trade shows
 11 attended by Shana and/or apparel retailers.

12 11. Following its distribution of Jess & Jane Design No. 1, Defendants
 13 distributed and/or sold fabric, garments and/or samples and/or garments
 14 featuring a design which is identical, virtually identical, strikingly and/or
 15 substantially similar to the Jess & Jane Design No. 1 ("Subject Product No. 1"),
 16 including but not limited to products sold by Shana bearing the label "Blue Knit
 17 Top", under SKU 421217201019, Style No. 23621.

18 12. Shana sold Subject Product 1 to at least Anthony's Ladies Apparel for
 19 retail sale.

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1 13. A representative sample of the Jess & Jane Design No. 1, and
 2 exemplars of Subject Product No. 1 are set forth below and in Exhibit 1:
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Jess & Jane Design No. 1	Accused Design No. 1
<p>5 1809 / MW333 Lily 6 Reg. No. VA0002327436</p> 	<p>5 Blue Knit Top 6 Style No. 23621</p> 

21 23 **DESIGN 2 - CLAIMS RELATED TO DESIGN 1878**

22 24. Jess & Jane owns an original two-dimensional artwork used for
 23 purposes of textile printing entitled 1878 / JJ1972 Foliage ("Jess & Jane Design No.
 24 2") which has been registered with the United States Copyright Office.

25 27. Prior to Defendants' infringement, Jess & Jane widely disseminated
 26 28. fabric, garments and/or samples bearing the Jess & Jane Design No. 2 to numerous

1 parties in the fashion and apparel industries, including during trade shows
 2 attended by Shana and/or apparel retailers.

3 16. Following its distribution of Jess & Jane Design No. 2, Defendants and
 4 apparel retailers distributed and/or sold fabric, garments and/or samples and/or
 5 garments featuring a design which is identical, virtually identical, strikingly and/or
 6 substantially similar to the Jess & Jane Design No. 2 ("Subject Product No. 2").

7 17. These include but are not limited to products sold by Shana bearing
 8 the label "Floral Knit Top", under SKU 421217701014, Style No. 22601.

9 18. Shana sold Subject Product 2 to at least Anthony's Ladies Apparel for
 10 retail sale.

11 19. A representative sample of the Jess & Jane Design No. 2, and
 12 exemplars of Subject Product No. 2 are set forth below and in Exhibit 2:

Jess & Jane Design No. 2	Accused Design No. 2
<p>1878 / JJ1972 Foliage Reg No. VA0002436483</p> 	<p>Floral Knit Top Style No. 22601</p> 

DESIGN 3 - CLAIMS RELATED TO DESIGN 1494

20. Jess & Jane owns an original two-dimensional artwork used for purposes of textile printing entitled 1494 / PS1332 Provence ("Jess & Jane Design No. 3") which has been registered with the United States Copyright Office.

21. Prior to Defendants' infringement, Jess & Jane widely disseminated fabric, garments and/or samples bearing the Jess & Jane Design No. 3 to numerous parties in the fashion and apparel industries, including during trade shows attended by Shana and/or apparel retailers.

22. Following its distribution of Jess & Jane Design No. 3, Defendants and apparel retailers distributed and/or sold fabric, garments and/or samples and/or garments featuring a design which is identical, virtually identical, strikingly and/or substantially similar to the Jess & Jane Design No. 3 ("Subject Product No. 3").

23. These include but are not limited to products sold by Shana named Pink Shape Printed Shirt, Style No. 22115.

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1 24. A representative sample of the Jess & Jane Design No. 3, and
 2 exemplars of Subject Product No. 3 are set forth below and in Exhibit 3:
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Jess & Jane Design No. 3	Accused Design No. 3
<p>5 1494 / PS1332 Provence 6 Reg. No. VA0002307248</p> 	<p>5 Pink Shape Printed Shirt 6 Style No. 22115</p> 

22 23 **DESIGN 4 - CLAIMS RELATED TO DESIGN 1699**

24 25. Jess & Jane owns an original two-dimensional artwork used for
 25 purposes of textile printing entitled 1699 / JJ1892 Botanica ("Jess & Jane Design
 26 No. 4") which has been registered with the United States Copyright Office.

27 26. Prior to Defendants' infringement, Jess & Jane widely disseminated
 28 fabric, garments and/or samples bearing the Jess & Jane Design No. 4 to numerous

1 parties in the fashion and apparel industries, including during trade shows
 2 attended by Shana and/or apparel retailers.

3 27. Following its distribution of Jess & Jane Design No. 4, Defendants and
 4 apparel retailers distributed and/or sold fabric, garments and/or samples and/or
 5 garments featuring a design which is identical, virtually identical, strikingly and/or
 6 substantially similar to the Jess & Jane Design No. 4 ("Subject Product No. 4").

7 28. These include but are not limited to products sold by Shana named
 8 "Shana Butterflies & Flowers Top", Style No. 23119.

9 29. Shana sold Subject Product 4 to at least Sue Patrick for retail sale.

10 30. A representative sample of the Jess & Jane Design No. 4, and
 11 exemplars of Subject Product No. 4 are set forth below and in Exhibit 4:

Jess & Jane Design No. 4	Accused Design No. 4
<p>1699 / JJ1892 Botanica Reg. No. VA0002436463</p> 	<p>Shana Butterflies & Flowers Top Style No. 23119</p> 

DESIGN 5 - CLAIMS RELATED TO DESIGN 1796

31. Jess & Jane owns an original two-dimensional artwork used for purposes of textile printing entitled 1796 / PS1490 Santorini ("Jess & Jane Design No. 5") which has been registered with the United States Copyright Office.

32. Prior to Defendants' infringement, Jess & Jane widely disseminated fabric, garments and/or samples bearing the Jess & Jane Design No. 5 to numerous parties in the fashion and apparel industries, including during trade shows attended by Shana and/or apparel retailers.

33. Following its distribution of Jess & Jane Design No. 5, Defendants and apparel retailers distributed and/or sold fabric, garments and/or samples and/or garments featuring a design which is identical, virtually identical, strikingly and/or substantially similar to the Jess & Jane Design No. 5 (“Subject Product No. 5”).

34. These include but are not limited to products sold by Shana bearing the label "Blue Knit Top", under SKU 421564901013, Style No. 23026.

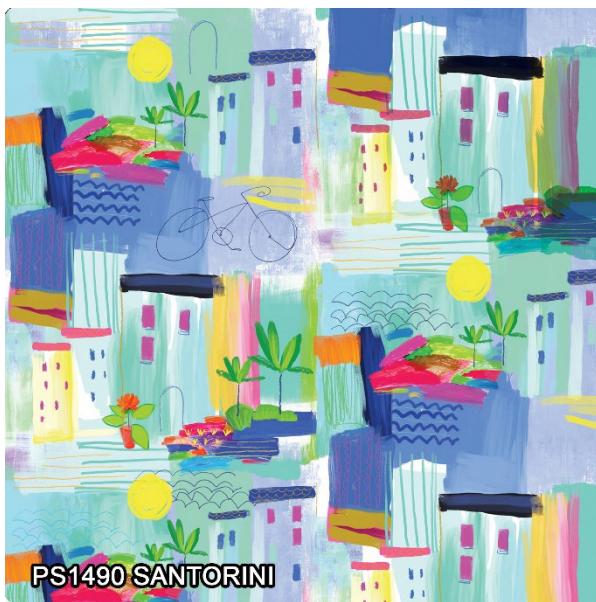
35. Shana sold Subject Product 5 to at least Sue Patrick for retail sale.

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1 36. A representative sample of the Jess & Jane Design No. 5, and
 2 exemplars of Subject Product No. 5 are set forth below and in Exhibit 5:
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Jess & Jane Design No. 5	Accused Design No. 5
<p>5 1796 / PS1490 Santorini 6 Reg. No. VA0002326873</p> 	<p>5 Blue Knit Top 6 Style No. 23026</p> 

23 **DESIGN 6 - CLAIMS RELATED TO DESIGN 1487**

24 37. Jess & Jane owns an original two-dimensional artwork used for
 25 purposes of textile printing entitled 1487 / PS1327 Lulu ("Jess & Jane Design No.
 26 6") which has been registered with the United States Copyright Office.

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1 38. Prior to Defendants' infringement, Jess & Jane widely disseminated
2 fabric, garments and/or samples bearing the Jess & Jane Design No. 6 to numerous
3 parties in the fashion and apparel industries, including during trade shows
4 attended by Shana and/or apparel retailers.

5 39. Following its distribution of Jess & Jane Design No. 6, Defendants and
6 apparel retailers distributed and/or sold fabric, garments and/or samples and/or
7 garments featuring a design which is identical, virtually identical, strikingly and/or
8 substantially similar to the Jess & Jane Design No. 6 ("Subject Product No. 6").

9 40. These include but are not limited to products sold by Shana named
10 "Plus Size Long Sleeve Round Neck Brushed Knit Abstract Print Tunic" Style No.
11 22119.

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1 41. A representative sample of the Jess & Jane Design No. 6, and
 2 exemplars of Subject Product No. 6 are set forth below and in Exhibit 6:
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Jess & Jane Design No. 6	Accused Design No. 6
<p>5 1487 / PS1327 Lulu 6 Reg. No. VA0002302011</p> 	<p>5 Plus Size Long Sleeve Round Neck 6 Brushed Knit Abstract Print Tunic 7 Style No. 22119</p> 

21 **DESIGN 7 - CLAIMS RELATED TO DESIGN 1735**

22 42. Jess & Jane owns an original two-dimensional artwork used for
 23 purposes of textile printing entitled 1735 / PS1453 Contigo ("Jess & Jane Design
 24 No. 7") which has been registered with the United States Copyright Office.

25 43. Prior to Defendants' infringement, Jess & Jane widely disseminated
 26 fabric, garments and/or samples bearing the Jess & Jane Design No. 7 to numerous
 27 parties in the fashion and apparel industries, including during trade shows
 28 attended by Shana and/or apparel retailers.

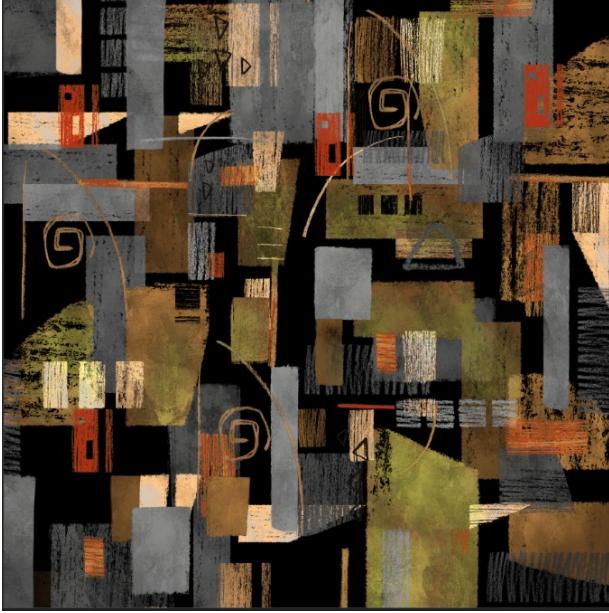
1 44. Following its distribution of Jess & Jane Design No. 7, Defendants and
 2 apparel retailers distributed and/or sold fabric, garments and/or samples and/or
 3 garments featuring a design which is identical, virtually identical, strikingly and/or
 4 substantially similar to the Jess & Jane Design No. 7 ("Subject Product No. 7").

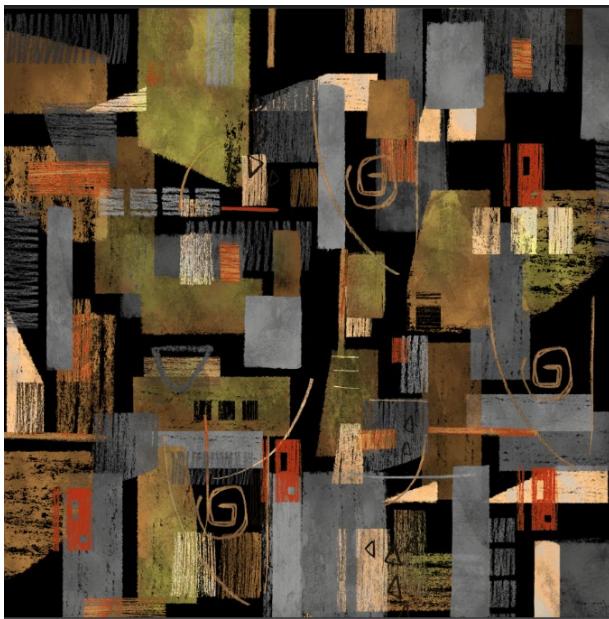
5 45. These include but are not limited to products sold by Shana bearing
 6 the label "Zip Front Jacket", Style No. 24665.

7 46. Shana sold Subject Product 7 to at least Adlib Clothing for retail sale.

8 47. A representative sample of the Jess & Jane Design No. 7, and
 9 exemplars of Subject Product No. 7 are set forth below and in Exhibit 7:

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 13 LOS ANGELES

Jess & Jane Design No. 7	Accused Design No. 7
<p>12 1735 / PS1453 Contigo 13 Reg. No. VA0002302373</p> 	<p>14 Zip Front Jacket 15 Style No. 24665</p> 



DESIGN 8 - CLAIMS RELATED TO DESIGN 1914

48. Jess & Jane owns an original two-dimensional artwork used for purposes of textile printing entitled 1914 / PS1554 Gardena ("Jess & Jane Design No. 8") which has been registered with the United States Copyright Office.

49. Prior to Defendants' infringement, Jess & Jane widely disseminated fabric, garments and/or samples bearing the Jess & Jane Design No. 8 to numerous parties in the fashion and apparel industries, including during trade shows attended by Shana and/or apparel retailers.

50. Following its distribution of Jess & Jane Design No. 8, Shana Apparel, Inc., DOE Defendants distributed and/or sold fabric, garments and/or samples and/or garments featuring a design which is identical, virtually identical, strikingly and/or substantially similar to the Jess & Jane Design No. 8 ("Subject Product No. 8").

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1 51. These include but are not limited to products sold by Shana bearing
 2 the label "Dragonfly Crinkle Pocket Tunic", Style No. 23015-G173.

3 52. Shana sold Subject Product 8 to at least Anthony's Ladies Apparel for
 4 retail sale.

5 53. A representative sample of the Jess & Jane Design No. 8, and
 6 exemplars of Subject Product No. 8 are set forth below and in Exhibit 8:

Jess & Jane Design No. 8	Accused Design No. 8
<p>9 1914 / PS1554 Gardena 10 Reg. No. VA0002370678</p> 	<p>11 Dragonfly Crinkle Pocket Tunic 12 Style No. 23015-G173</p> 

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FIRST CLAIM FOR RELIEF

(For Copyright Infringement – Against All Defendants)

3 54. Jess & Jane repeats, realleges, and incorporates herein by reference
4 as though fully set forth, the allegations contained in the preceding paragraphs of
5 this Complaint.

6 55. Defendants had access to Jess & Jane's designs ("Jess & Jane's
7 Designs") including designs Nos. 1-8, including, without limitation, through (a)
8 access to Jess & Jane's showroom and/or design library; (b) access through trade
9 shows attended by both Shana and Jess & Jane; (c) access to illegally distributed
10 copies of Jess & Jane's Designs Nos. 1-8 by third-party vendors and/or DOE
11 Defendants, including without limitation international and/or overseas converters
12 and printing mills; (d) access to Jess & Jane's strike-offs and samples, and (e)
13 garments manufactured and sold to the public bearing fabric, garments and/or
14 samples lawfully printed with Jess & Jane's Designs Nos. 1-8 by Jess & Jane for its
15 customers.

16 56. One or more of the Defendants manufactures garments and/or is a
17 garment vendor. Said Defendant(s) had and/or has an ongoing business
18 relationship with retailers and supplied garments to said retailers.

19 57. Defendants' accused garments infringed Jess & Jane's Designs Nos. 1-
20 8 because they featured unauthorized print design(s) that were identical, virtually
21 identical and/or strikingly or substantially similar to Jess & Jane's Designs Nos. 1-8,
22 or were an illegal derivation or modification thereof.

23 58. Defendants infringed Jess & Jane's copyrights by creating, making,
24 and/or developing directly infringing and/or derivative works from Jess & Jane's
25 Designs Nos. 1-8 and by producing, distributing and/or selling garments which
26 infringe Jess & Jane's Designs Nos. 1-8 through a nationwide network of retail
27 stores, catalogues, and through on-line websites.

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59. As a result of Defendants' infringement, Jess & Jane has suffered substantial general and special damages in an amount to be established at trial.

60. Further, Defendants have obtained direct and indirect profits they would not otherwise have realized but for their infringement. As such, Jess & Jane is entitled to disgorgement of Defendants' profits directly and indirectly attributable to Defendants' infringement in an amount to be established at trial.

61. Defendants' copyright infringement was willful, intentional and malicious, which further subjects Defendants to liability for statutory damages under Section 504(c)(2) of the Copyright Act in the sum of up to one hundred fifty thousand dollars (\$150,000.00) per infringement. Jess & Jane will make its election between actual damages and statutory damages within the time allowed by law.

SECOND CLAIM FOR RELIEF

(For Vicarious and or Contributory Copyright

Infringement – Against All Defendants)

62. Jess & Jane repeats, realleges, and incorporates herein by reference as though fully set forth, the allegations contained in the preceding paragraphs of this Complaint.

63. Defendants knowingly induced, participated in, aided and abetted in and profited from the illegal reproduction and/or subsequent sales of garments featuring Jess & Jane's Designs Nos. 1-8.

64. Defendants are vicariously liable for the infringement because they had the right and ability to supervise the infringing conduct and because they had a direct financial interest in the infringing conduct.

65. Defendants' contributory and vicarious infringement has caused Jess & Jane to suffer and continue to suffer substantial damages to its business in an amount to be established at trial, as well as additional general and special damages in an amount to be established at trial.

1 66. Defendants have obtained direct and indirect profits they would not
2 otherwise have realized but for their infringement of Jess & Jane's Designs Nos. 1-
3 8. As such, Jess & Jane is entitled to disgorgement of Defendants' profits directly
4 and indirectly attributable to Defendants' infringement of Jess & Jane's Designs
5 Nos. 1-8.

6 67. Defendants' infringement was willful, intentional and malicious. As
7 such, Defendants are subject liability for statutory damages under Section
8 504(c)(2) of the Copyright Act in the sum of up to one hundred fifty thousand
9 dollars (\$150,000.00) per infringement. Jess & Jane will make its election between
10 actual damages and statutory damages at the appropriate time.

PRAYER FOR RELIEF

13 Jess & Jane prays for judgment in its favor and against Defendants as
14 follows:

- a. An Order enjoining Defendants, their agents and employees from infringing Jess & Jane's copyrights in any manner, including those for Jess & Jane's Designs Nos. 1-8;
- b. An award of Defendants' unlawful profits, as well as all losses of Jess & Jane and other monetary advantage gained by the Defendants through their infringement; or if elected before final judgment, statutory damages as available under the Copyright Act, 17 U.S.C. § 505 *et seq.*;
- c. An Order awarding Jess & Jane attorneys' fees as available under the Copyright Act, 17 U.S.C. § 505 *et seq.*, pre-judgment interest as allowed by law, and the costs of this action; and

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d. Such further legal and equitable relief as the Court deems proper.

DATED: June 12, 2025

ROBINS KAPLAN LLP

By: /s/ David Martinez

David Martinez
Executive Producer

Zac A. Cohen

Attorneys for Plaintiff PS 121, Inc. d/b/a
Jess & Jane

ROBINS KAPLAN LLP
ATTORNEYS AT LAW
LOS ANGELES

1 **DEMAND FOR JURY TRIAL**
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3 Jess & Jane demands a jury trial on all issues so triable pursuant to Fed. R.
4 Civ. P. 38 and the 7th Amendment to the United States Constitution.
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6 DATED: June 12, 2025
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8 **ROBINS KAPLAN LLP**
9

10 By: /s/ David Martinez
11

12 David Martinez
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14 Zac A. Cohen
15

16 Attorneys for Plaintiff PS 121, Inc. d/b/a
17 Jess & Jane
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